

(1) There is a sufficient number of persons with disabilities who have expressed an interest in occupying a designated project for disabled families, and who have expressed a need and demand for the supportive services that will be provided;

(2) The supportive services are adequately designed to meet the needs of the disabled families who have indicated a desire for them;

(3) The service provider has current or past experience administering an effective supportive service delivery program for persons with disabilities;

(4) If residential supervision is required, a written commitment to provide this supervision in the designated housing.

(Approved by the Office of Management and Budget under control number 2577-0192)

Subpart C—Operating Designated Housing

§ 945.301 General requirements.

The application procedures and operation of designated projects shall be in conformity with the regulations of this part, and the regulations applicable to PHAs in 24 CFR Chapter IX, including 24 CFR parts 913, 960 and 966, and, in particular, the nondiscrimination requirements of 24 CFR 960.211(b)(3), that include but are not limited to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Fair Housing Act (42 U.S.C. 3601-3619), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), the Age Discrimination Act (42 U.S.C. 6101-6107), Executive Order 11246 (3 CFR 1964-1965 Comp., p. 339), Executive Order 11063, as amended by Executive Order 12259 (3 CFR 1958-1963 Comp., p. 652 and 3 CFR 1980 Comp., p. 307), the Americans with Disabilities Act (42 U.S.C. 12101-12213) (to the extent the Americans with Disabilities Act is applicable) and the implementing regulations of these statutes and authorities; and other applicable Federal, State, and local laws prohibiting discrimination and promoting equal opportunity.

§ 945.303 Requirements governing occupancy in designated housing.

(a) *Priority for occupancy.* Except as provided in paragraph (c) of this section, in determining priority for admission to designated housing, the PHA shall make units in the designated housing available only to designated families.

(b) *Compliance with preference regulations.* Among the designated families, the PHA shall give preference in accordance with the preferences in 24 CFR part 960, subpart B.

(c) *Eligibility of other families for housing designated for elderly families—*(1) *Insufficient elderly families.* If there are an insufficient number of elderly families for the units in a project designated for elderly families, the PHA may make dwelling units available to near-elderly families, who qualify for preferences under 24 CFR part 960, subpart B. The election to make dwelling units available to near-elderly families if there are an insufficient number of elderly families should be explained in the PHA's allocation plan.

(2) *Insufficient elderly families and near-elderly families.* If there are an insufficient number of elderly families and near-elderly families for the units in a project designated for elderly families, the PHA shall make available to all other families any dwelling unit that is:

(i) Ready for re-rental and for a new lease to take effect; and

(ii) Vacant for more than 60 consecutive days.

(d) *Tenant choice of housing.* (1) Subject to paragraph (d)(2) of this section, the decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on:

(i) The family's admission to or continued occupancy in public housing; or

(ii) The family's position on or placement on a public housing waiting list.

(2) The protection provided by paragraph (d)(1) of this section shall not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area.

(3) The protection provided by paragraph (d)(1) of this section shall apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project.

(e) *Appropriateness of dwelling unit to family size.* This part may not be construed to require a PHA to offer a dwelling in a designated project to any family who is not of appropriate family size for the dwelling unit. The temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size.

(f) *Prohibition of evictions.* Any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate the unit because of the designation of the project, or because of any action taken by HUD or the PHA in accordance with this part.

(g) *Prohibition of coercion to accept supportive services.* As with other HUD-assisted housing, no disabled family or elderly family residing in designated housing may be required to accept supportive services made available by the PHA under this part.

(h) *Availability of grievance procedures in 24 CFR part 966.* The grievance procedures in 24 CFR part 966, subpart B, which applies to public housing tenants, is applicable to this part.

PART 954—INDIAN HOME PROGRAM

Subpart A—General Provisions

- Sec.
- 954.1 Overview.
- 954.2 Definitions.
- 954.3 Waivers.
- 954.4 Other Federal requirements.

Subpart B—Applying for Assistance

- 954.100 General.
- 954.101 Allocation of funds.
- 954.102 Eligible applicants.
- 954.103 Housing strategy.
- 954.104 Performance thresholds.
- 954.105 Criteria for selection.
- 954.106 Announcement of competition.
- 954.107 Grant conditions.

- 954.108 Project amendment.

Subpart C—Eligible Activities and Affordability

- 954.300 Eligible activities.
- 954.301 Religious organizations.
- 954.302 Income determinations.
- 954.303 Eligible project costs.
- 954.304 Eligible administrative costs.
- 954.305 Tenant-based rental assistance.
- 954.306 Rental housing: qualification as affordable housing and income targeting.
- 954.307 Homeownership: qualification as affordable housing.
- 954.308 Prohibited activities.

Subpart D—Project Requirements

- 954.400 Maximum per-unit subsidy amount.
- 954.401 Property standards.
- 954.402 Tenant and participant protections.

Subpart E—Program Administration

- 954.500 Repayment of investment.
- 954.501 Grantee responsibilities; written agreements; monitoring.
- 954.502 Applicability of uniform administrative requirements.
- 954.503 Audit.
- 954.504 Closeout.
- 954.505 Recordkeeping.
- 954.506 Performance reports.
- 954.507 Submission of project completion reports.

Subpart F—Performance Reviews and Sanctions

- 954.600 Performance reviews.
- 954.601 Corrective and remedial actions.
- 954.602 Notice and opportunity for hearing; sanctions.

AUTHORITY: 42 U.S.C. 3535(d) and 12701–12839.

SOURCE: 61 FR 32223, June 21, 1996, unless otherwise noted.

Subpart A—General Provisions

§ 954.1 Overview.

This part implements the Indian HOME Investment Partnerships Program. In general, under the Indian HOME Investment Partnerships Program, HUD awards funds competitively to eligible applicants to provide more affordable housing. Grantees may use HOME funds to carry out projects through acquisition, rehabilitation, and new construction of housing, and tenant-based rental assistance. Grantees are able to provide assistance in a